

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADC TECHNOLOGY INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-cv-3930
)	
UNITED STATES CELLULAR)	Judge Charles P. Kocoras
CORPORATION, HIGH TECH)	
COMPUTER CORP. a/k/a HTC CORP.,)	
HTC AMERICA, INC., EXEDEA INC.)	JURY TRIAL DEMANDED
and T-MOBILE USA, INC.,)	
)	
Defendants.)	

AMENDED COMPLAINT

Plaintiff ADC Technology Inc., for its amended complaint against Defendants United States Cellular Corporation, High Tech Computer Corp. a/k/a HTC Corp., HTC America, Inc, Exedea Inc. and T-Mobile USA, Inc. (collectively "Defendants") alleges as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

2. ADC Technology Inc. ("ADC") is a corporation organized under the laws of Japan with a principal place of business in Nagoya, Japan. Among other things, ADC develops technology and sells products used in wireless communication.

3. ADC is the owner of a series of patents on inventions made by Toshiharu Enmei for ADC, in the field of mobile communication devices.

4. ADC owns all right, title, and interest in, and has standing to sue for, the infringement of the following United States Patents that are titled “Portable Communicator”:

- No. 6,985,136 issued January 10, 2006 (“the ‘136 Patent”);
- No. 7,057,605 issued June 6, 2006 (“the ‘605 Patent”); and
- No. 7,567,361 issued July 28, 2009 (“the ‘361 Patent”).

5. Each of the following defendants has infringed one or more of the ADC patents by selling, offering to sell, and/or importing mobile communication devices in the United States, including sales in Illinois and this judicial district.

6. United States Cellular Corporation (“U.S. Cellular”) is a Delaware corporation with headquarters at 8410 West Bryn Mawr Avenue, Chicago, Illinois, and is licensed and registered to do business in the State of Illinois. U.S. Cellular’s registered agent for service is Mark Krohse, 8410 West Bryn Mawr Suite 700, Chicago, Illinois. U.S. Cellular is in the business of selling mobile communication devices used with U.S. Cellular’s wireless network in the United States.

7. High Tech Computer Corp., also known as HTC Corp. (“HTC Corp.”) is a corporation organized under the laws of the Republic of China, with corporate headquarters at 23 Xinghua Road, Taoyuan 330, Taiwan, Republic of China. HTC Corp. is in the business of designing, manufacturing, importing into the United States, and selling mobile communication devices.

8. HTC America, Inc. (“HTC America”) is a U.S. subsidiary of HTC Corp. HTC America is a Texas corporation with offices at 13920 SE Eastgate

Way, Suite 400, Bellevue, Washington 98005. HTC America is in the business of supporting HTC Corp.'s United States operations, including marketing and selling mobile communication devices in the United States.

9. Exedea Inc. ("Exedea") also is a U.S. subsidiary of HTC Corp. Exedea is a Texas corporation with offices at 5950 Corporate Drive, Houston, Texas 77036. Exedea is in the business of importing, selling, and distributing mobile communication devices in the United States.

10. T-Mobile USA, Inc. is a Delaware corporation with its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006. T-Mobile does substantial business in this judicial district by, among other things, operating wireless telecommunications systems and providing wireless services, and by providing wireless handset products accused of infringement in this judicial district. Such products and services are sold and/or offered for sale at numerous T-Mobile stores located within this judicial district, including one such store located at 9 South LaSalle Street, Chicago, Illinois 60603.

JURISDICTION AND VENUE

11. This Court has exclusive jurisdiction over the subject matter of this case for patent infringement under 28 U.S.C. § 1338(a).

12. This Court has personal jurisdiction over U.S. Cellular because it is a citizen of Illinois registered to do business in Illinois, it conducts business in Illinois, including the marketing and sale of mobile communication devices to customers in Illinois, and because U.S. Cellular has committed acts of patent infringement in Illinois, including this judicial district.

13. This Court has personal jurisdiction over HTC Corp., HTC America, and Exedea because they conduct business in Illinois, and because they have committed acts of patent infringement in Illinois and this judicial district, such as the marketing and sale of mobile communication devices to customers in Illinois including US Cellular.

14. This Court has personal jurisdiction over T-Mobile by virtue of its tortious acts of patent infringement which have been committed in the State of Illinois and in this judicial district and by virtue of its regular and systematic transaction of business in the State of Illinois. T-Mobile has previously consented to personal jurisdiction in this Court. See, MSTG, Inc. v. T-Mobile USA, Inc., Case No. 09-cv-03684, pending in the United States District Court for the Northern District of Illinois, Docket No. 82, at p. 3.

15. Each of the defendants has placed its infringing products in the stream of commerce with knowledge and intent that the products would be distributed and sold, directly or through others in a distribution chain, to customers in Illinois and this judicial district.

16. Venue is proper in this judicial district under 28 U.S.C. §§ 1400(b) and 1391. All defendants reside in this district because they are subject to personal jurisdiction here. All defendants have committed acts of infringement in this district, and a substantial part of the infringing acts have occurred here. U.S. Cellular is registered as a corporation in Illinois. HTC Corp. is an alien corporation that can be sued in any district.

PATENT INFRINGEMENT

17. U.S. Cellular has infringed at least one claim of each of the '136, '605, and '361 patents, at least by importing, using, selling, and offering to sell mobile communication devices, including but not limited to phones designated by the names HTC Touch, HTC Touch Pro, HTC TouchPro2 and HTC Snap.

18. HTC Corp., HTC America, and Exedea have infringed at least one claim of each of the '136, '605, and '361 patents, at least by importing, using, selling, and offering to sell mobile communication devices, including but not limited to phones designated by the names HTC Droid Incredible, HTC TouchPro2, HTC DroidEris, HTC Hero, HTC Imagio, HTC Tilt2, HTC T-Mobile G1, HTC Touch, HTC Pure, HTC HD2, HTC TouchPro, HTC Pro2, HTC Touch Cruise, HTC Shadow, HTC Ozone and HTC TouchDiamond2.

19. T-Mobile has infringed at least one claim of each of the '136, '605, and '361 patents, at least by importing, selling, and offering to sell mobile communication devices, including but not limited to phones designated by the names T-Mobile Tap, T-Mobile My Touch™ and T-Mobile G1™ and G2™.

20. Each Defendant's infringement has injured ADC, and ADC is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

21. ADC's injury will continue unless and until this Court enters an injunction against further infringement by all Defendants.

22. ADC has complied with any applicable provisions of 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ADC Technology Inc. respectfully requests that this Court enter judgment against each of Defendants United States Cellular Corporation, High Tech Computer Corp. a/k/a HTC Corp., HTC America, Inc., Exedea Inc. and T-Mobile USA, Inc., and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

A. The entry of judgment in favor of ADC Technology Inc. on the claim of infringement for each of the '136, '605, and '361 patents;

B. An award of damages adequate to compensate ADC Technology Inc. for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

C. A permanent injunction against further infringement of the '136, '605, and '361 patents;

D. A finding that this case is exceptional and an award to ADC Technology Inc. of all relief provided by 35 U.S.C. § 285; and

E. Such other and further relief that ADC Technology Inc. is entitled to under law, and any additional relief that this Court or a jury may deem just and proper.

JURY DEMAND

ADC Technology Inc. demands a trial by jury on all issues presented in this amended complaint.

ADC Technology Inc.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **AMENDED COMPLAINT** was filed with the Clerk of the Court on October 26, 2010 using the CM/ECF system, which will send notification of such filing to the following at their email address on file with the Court:

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/s/ Patrick F. Solon _____